

HOUSE BILL 414

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HB 583/03 - JUD

2004 Regular Session
4r1087

By: **Delegates Smigiel, Amedori, Bates, Boteler, Boutin, Cluster, Costa,
Dwyer, Edwards, Elliott, Elmore, Hogan, Impallaria, Jennings, Kach,
McConkey, McKee, Myers, Owings, Parrott, Shank, Sossi, Stocksdale,
Stull, Walkup, and Weldon**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Safety Devices - Repeal**

3 FOR the purpose of repealing the prohibition against a dealer selling, offering for
4 sale, renting, or transferring in the State certain handguns unless the handguns
5 are equipped with certain safety devices; repealing certain requirements
6 imposed on the Handgun Roster Board, including a requirement that the Board
7 conduct an annual review of personalized handgun technology; and generally
8 relating to handgun safety devices.

9 BY repealing

10 Article - Public Safety
11 Section 5-132
12 Annotated Code of Maryland
13 (2003 Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Public Safety**

17 [5-132.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Authorized user" means the owner of a handgun or a person
20 authorized by the owner to possess and use the handgun.

21 (3) "External safety lock" means an external device that is:

22 (i) attached to a handgun with a key or combination lock; and

23 (ii) designed to prevent a handgun from being discharged unless
24 the device has been deactivated.

1 (4) "Handgun" does not include a signal, starter, or blank pistol.

2 (5) "Handgun Roster Board" means the Handgun Roster Board
3 established under § 5-404 of this title.

4 (6) "Integrated mechanical safety device" means a disabling or locking
5 device that is:

6 (i) built into a handgun; and

7 (ii) designed to prevent the handgun from being discharged unless
8 the device has been deactivated.

9 (7) "Personalized handgun" means a handgun manufactured with
10 incorporated design technology that:

11 (i) allows the handgun to be fired only by the authorized user; and

12 (ii) prevents any of the safety characteristics of the handgun from
13 being readily deactivated.

14 (b) This section does not apply to:

15 (1) the purchase, sale, or transportation of a handgun to or by a federally
16 licensed gun dealer or manufacturer that provides or services a handgun for:

17 (i) personnel of any unit of the federal government;

18 (ii) members of the armed forces of the United States or the
19 National Guard;

20 (iii) law enforcement personnel of the State or any local law
21 enforcement agency in the State while acting within the scope of their official duties;
22 and

23 (iv) an organization that is required by federal law governing its
24 specific business or activity to maintain handguns and applicable ammunition;

25 (2) a firearm modified to be permanently inoperative;

26 (3) the sale or transfer of a handgun by a federally licensed gun dealer or
27 manufacturer covered under item (1) of this subsection;

28 (4) the sale or transfer of a handgun by a federally licensed gun dealer or
29 manufacturer to a lawful customer outside the State; or

30 (5) an antique firearm.

31 (c) (1) A dealer may not sell, offer for sale, rent, or transfer in the State a
32 handgun manufactured on or before December 31, 2002, unless the handgun is sold,
33 offered for sale, rented, or transferred with an external safety lock.

1 (2) On or after January 1, 2003, a dealer may not sell, offer for sale, rent,
2 or transfer in the State a handgun manufactured on or after January 1, 2003, unless
3 the handgun has an integrated mechanical safety device.

4 (d) (1) The Handgun Roster Board annually shall:

5 (i) review the status of personalized handgun technology; and

6 (ii) on or before July 1, report its findings to the Governor and, in
7 accordance with § 2-1246 of the State Government Article, to the General Assembly.

8 (2) In reviewing the status of personalized handgun technology under
9 paragraph (1) of this subsection, the Handgun Roster Board shall consider:

10 (i) the number and variety of models and calibers of personalized
11 handguns that are available for sale;

12 (ii) each study, analysis, or other evaluation of personalized
13 handguns conducted or commissioned by:

14 1. the National Institute of Justice;

15 2. a federal, State, or local law enforcement laboratory; or

16 3. any other entity with an expertise in handgun technology;
17 and

18 (iii) any other information that the Handgun Roster Board
19 considers relevant.]

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.